

REMARKS

Favorable reconsideration is respectfully requested.

Claims are 1 and 3 to 6.

Undersigned acknowledges the helpful telephone interview with Examiner Krause on April 2, 2010.

The substance of the interview is included in the above amendment and following remarks.

No specific agreements were reached and the Examiner stated that he would further consider the matter after reviewing this response.

By the above amendment, the lower limit of the amount of the soybean protein in the plastic mixture is restored to 12% to 18%.

The significance of this amendment will become apparent from the remarks below.

Claims 1 and 3 to 6 stand rejected under 35 USC 103(a) as being unpatentable over Sugihara (JP05023094- English translation)

This rejection is again respectfully traversed.

When the amount of soybean protein is 18% by weight or more, more excellent plasticity of dough is obtained and workability of kneading is improved as compared with 13.5% by weight.

As described in page 8, lines 7-9 of the present specification, when the amount of soybean protein constituent is less than the lower limit, the dough becomes soft and it is difficult to obtain plasticity. When an amount of soybean is 12.6% by weight (Experimental Example 1), state of plastic mixture is "low viscosity" (Table 2), and this state is "acceptable", (page 17, line 5). While, when an amount of soybean is 18.9% by weight (Experimental Example 2), state of plastic mixture is "better" (Table2).

However, the Examiner considers that "the amount of the soybean protein in the plastic mixture is 12 to 38% by weight in terms of anhydrous solid matter" means that the "soybean protein/anhydrous solid matter of the plastic mixture is 12 to 38% by weight". This, however, is not the case. "Soybean protein in terms of anhydrous solid matter/plastic mixture is 12 to 38% by weight" is correct.

For example, the plastic mixture of Experimental Example 1 contains 20 parts of preparative soymilk powder (Table 1). And, the protein content of this preparative soymilk

powder is 63% by weight (page 12, lines 17-18). In addition, it is described that 12.6% by weight of soybean protein is contained in plastic mixture of Experimental Example I (Table 1). That is, 20 parts X 63% (soybean protein in terms of anhydrous matter)/100 parts (plastic mixture) 12.6 % by weight.

As shown in the following table, the "soybean protein in terms of anhydrous matter/plastic mixture" of Sugihara is actually 9% by weight or less.

The aqueous phase of Sugihara et al.

	Parts	In case of 100 parts total
Decaglycerol monomyristate	0.5	0.56
Sugar ester	0.3	0.34
Sorbitol (sugar concentration: 70%)	72.0	81.1
Isolated soy protein	8.0	9.0
Calcium chloride	0.008	0.009
Water	8.0	9.0
Total	88.808	100.0

Therefore, Sugihara et al. does not disclose 13.5% by weight of soybean protein but only 9% by weight or less.

Accordingly, "18" of claim 1 is restored to "12", at which amount, acceptable and unobvious results are obtained.

In conclusion, Sugihara et al. neither teaches nor suggests the present claims.


For the foregoing reasons, it is apparent that the rejection on Sugihara et al. is untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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April 6, 2010